

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	Case No. 08 CR 417
v.)	
)	Violations: Title 18, United States Code,
ALEXANDER WOLFF,)	Sections 371, 545, 1519, and 2;
JÜRGEN BECKER,)	Title 21, United States Code, Sections
TOM WEICKERT,)	331(a), 333(a)(2), 342(a)(2)(C)(i), and 348(a)
MARCEL BELTEN,)	
YI LIU,)	
SVEN GEHRICKE,)	
THOMAS MARTEN,)	
THOMAS GERKMANN,)	
STEFANIE GIESSELBACH,)	
MAGNUS VON BUDDENBROCK,)	
GONG JIE CHEN,)	
a/k/a "George Gao" and "George Chen")	
ALFRED L. WOLFF GMBH,)	
ALFRED L. WOLFF HONEY GMBH,)	
ALFRED L. WOLFF, INC.,)	
ALFRED L. WOLFF (BEIJING))	
TRADE CO. LTD., CHINA,)	
ALFRED L. WOLFF COMPANY)	
LTD., HONG KONG, CHINA, and)	
QHD SANHAI HONEY CO., LTD.)	

COUNT ONE

The SPECIAL AUGUST 2009-1 GRAND JURY charges that:

At times material to this indictment:

A. INTRODUCTION

Parties and Entities

1. Defendant ALFRED L. WOLFF GMBH ("ALW GERMANY") was a German international trading company headquartered and with its principal place of business in Hamburg,

Germany, that purchased, imported, exported, distributed, sold, and processed food products, including honey. ALW GERMANY was wholly owned by Wolff & Olsen GmbH & Co. KG (“W&O Germany”), a German conglomerate that operated food, non-food, and fashion divisions. ALW GERMANY was the corporate parent of W&O Germany’s food division.

2. ALW GERMANY had subsidiaries, affiliates, and representative offices located throughout the world, including defendant ALFRED L. WOLFF HONEY GMBH in Germany; defendant ALFRED L. WOLFF, INC. in the United States; defendant ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA in Beijing, China; and defendant ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA in Hong Kong, China. ALW GERMANY and these four subsidiaries and affiliates (collectively, defendants “ALW FOOD GROUP”) acted in concert to acquire and purchase honey from China and other countries, import and enter the honey into the United States, and sell it to United States customers.

3. ALW GERMANY exercised control over ALW FOOD GROUP through its managers, executives, and employees. Defendants ALEXANDER WOLFF, JÜRGEN BECKER, TOM WEICKERT, MARCEL BELTEN, YI LIU, SVEN GEHRICKE, THOMAS MARTEN, THOMAS GERKMANN, STEFANIE GIESSELBACH, and MAGNUS VON BUDDENBROCK (collectively, defendants “ALW FOOD GROUP EXECUTIVES”) operated and managed ALW FOOD GROUP’s honey business, and held various executive positions at the ALW FOOD GROUP entities between approximately 1999 and 2008 from which they coordinated and directed ALW FOOD GROUP’s business affairs.

4. Defendant ALFRED L. WOLFF HONEY GMBH (“ALW HONEY”) had its principal place of business in Hamburg, Germany and operated ALW FOOD GROUP’s honey business in

Europe.

5. Defendant ALFRED L. WOLFF, INC. (“ALW USA”) was incorporated in Delaware; had its principal place of business in Park Ridge, Illinois and later Chicago, Illinois; was the United States operating unit for ALW FOOD GROUP; and became wholly owned by ALW GERMANY in or about 2003. ALW USA imported and caused to be imported into the United States full container loads (“FCLs”) of honey and related commodities from China and other countries that it sold to United States domestic customers, including food manufacturers, processors, distributors, and packers. ALW USA used customhouse brokers or agents to enter goods into the United States.

6. Defendant ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA (“ALW BEIJING”) had its principal place of business in Beijing, China, and arranged on behalf of ALW FOOD GROUP to obtain Chinese-origin honey from suppliers in China for importation and sale to the United States.

7. Defendant ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA (“ALW HONG KONG”), formerly Kirkam Co. Ltd., had its principal place of business in Hong Kong, China, and coordinated on behalf of ALW FOOD GROUP the purchase, finance, and shipment of honey and related products of Chinese origin for importation to the United States.

8. Defendant ALEXANDER WOLFF was a citizen and national of Germany, held different titles within ALW GERMANY, including Managing Director and General Manager, and functioned as the Chief Executive Officer of ALW GERMANY from about 2003 through about 2009. As Chief Executive Officer, WOLFF controlled the operations of ALW FOOD GROUP and managed the ALW FOOD GROUP EXECUTIVES. WOLFF acted as the General Manager of ALW HONG KONG in or before 2003. From about 2005 WOLFF also held positions within ALW USA,

including Treasurer, Secretary, Chairman, member of the Board of Directors, and served as President of ALW USA from about January 2006 to about January 2007. WOLFF exercised control, authority, and responsibility over ALW USA through his positions at ALW GERMANY and ALW USA.

9. Defendant JÜRGEN BECKER was a citizen and national of Germany and acted as the co-Managing Director of ALW HONEY until approximately 2009, with responsibility for ALW FOOD GROUP's honey business in Europe, where he advised and consulted with ALW FOOD GROUP EXECUTIVES regarding the importation and sale of honey in the United States, including Chinese-origin honey.

10. Defendant TOM WEICKERT was a citizen and national of Germany and succeeded WOLFF as the General Manager of ALW HONG KONG from about 2003 through about 2005. In about 2007 WEICKERT became the co-Managing Director of ALW HONEY with responsibility for ALW FOOD GROUP's honey business in Europe, where he advised and consulted with ALW FOOD GROUP EXECUTIVES regarding the importation and sale of honey in the United States, including Chinese-origin honey.

11. Defendant MARCEL BELTEN was a citizen and national of Germany and succeeded WEICKERT as General Manager of ALW HONG KONG from about August 2005 to about 2009.

12. Defendant YI LIU was a citizen and national of China and acted as the General Manager of ALW BEIJING, where he located, arranged, and sourced Chinese-origin honey from China on behalf of ALW FOOD GROUP for importation into the United States.

13. Defendant SVEN GEHRICKE was a citizen and national of Germany and acted as the first General Manager of ALW USA from about 1999 to about 2003. Between about 1999 to about 2006, GEHRICKE held other positions at ALW USA, including Chairman, President,

Treasurer, and Secretary. In or around 2003, GEHRICKE became the General Manager of Alfred L. Wolff S.A. de C.V., in Mexico City, Mexico.

14. Defendant THOMAS MARTEN was a citizen and national of Germany and succeeded GEHRICKE as General Manager of ALW USA from about January 2004 to about August 2007. As General Manager, MARTEN approved contractual arrangements and authorized payments for honey imported into the United States. From about 2006, MARTEN also held other positions at ALW USA, including President and Treasurer. MARTEN reported directly to WOLFF and was required to obtain WOLFF's personal approval for purchase orders in excess of approximately \$1 million.

15. Defendant THOMAS GERKMANN was a citizen and national of Germany, acted as ALW USA's National Sales Manager Bee Products from about December 2003 to about December 2006, where he reported to MARTEN. GERKMANN was responsible for the purchase of bee products, including honey; the importation of honey into the United States, including maintaining relationships with customhouse brokers; and the sale of honey to United States customers.

16. Defendant STEFANIE GIESSELBACH was a citizen and national of Germany, and after being trained by GERKMANN succeeded him as ALW USA's National Sales Manager Bee Products in about November 2006. Prior to becoming ALW USA's National Sales Manager, GIESSELBACH was employed at ALW GERMANY as Head of Honey Sales in about 2003.

17. Defendant MAGNUS VON BUDDENBROCK was a citizen and national of Germany, and after being trained by MARTEN succeeded him as ALW USA's General Manager in about August 2007. VON BUDDENBROCK reported to WOLFF and was responsible for obtaining

WOLFF's personal approval for purchase orders in excess of approximately \$1 million.

18. Defendant QHD SANHAI HONEY CO., LTD. ("QHD") was a producer, seller, and exporter of Chinese-origin honey, with its principal place of business in Qinhuangdao, Hebei Province, China. Beginning in 2006, QHD sought to obtain a reduced individualized antidumping duty deposit rate from the United States Department of Commerce through a process known as a "new shipper" review.

19. Defendant GONG JIE CHEN, a/k/a "George Gao," a/k/a "George Chen," was a citizen and national of China, acted as Sales Manager for QHD's honey sales, and coordinated QHD's new shipper review application before the United States Department of Commerce. CHEN also sourced and arranged Chinese-origin honey from China on behalf of ALW FOOD GROUP for importation into the United States. CHEN used Wuhan Shino-Food Trade Co. Ltd ("Wuhan Shino"); CRC Foodstuff Inc ("CRC Foodstuff"); Vistta Inc. ("Vistta") and other entities to process, ship, import, and enter Chinese-origin honey and honey products into the United States.

20. Changge Jixiang Bee Products Limited ("Changge Jixiang") was a honey producing company located in Henan, China, that produced honey and supplied to ALW FOOD GROUP.

21. Yong Xiang Yan was a citizen and national of China, and was the President, Chairman, and majority owner of Changge Jixiang Bee Products Limited.

22. Boa Zhong Zhang was a citizen and national of China and arranged honey shipments for Changge Jixiang and worked under the supervision of Yong Xiang Yan.

23. Hung Ta Fan, a/k/a "Michael Fan," was a citizen and national of Taiwan, Republic of China, who sourced and arranged Chinese-origin honey from China on behalf of ALW FOOD GROUP for importation into the United States. Fan controlled and used Blue Action Enterprise, Inc.

(“Blue Action”); 7 Tiger Enterprises, Inc. (“7 Tiger”); and Honey World Enterprise Inc., (“Honey World”) to import and enter Chinese-origin honey into the United States. FAN also owned and operated Kazak Food Corp. (“Kazak”) through which he wire transferred and received payments for Chinese-origin honey.

24. “Chinese Transshipper 1” was a citizen and national of China who sourced and arranged Chinese-origin honey from China on behalf of ALW FOOD GROUP for importation into the United States. Chinese Transshipper 1 used Glory Spring Enterprise Co., Ltd. (“Glory Spring”); Nefelon Limited Liability Company (“Nefelon”); Huaqi-Mercury Liability Corporation Limited; MGL Yung Sheng Honey Co. Ltd.; Fresh Honey Co. Ltd.; and other entities to ship, import, and enter Chinese-origin honey into the United States.

25. “Chinese Transshipper 2” was a citizen and national of China who sourced and arranged Chinese-origin honey from China on behalf of ALW FOOD GROUP for importation into the United States. Chinese Transshipper 2 used Kentwe Products (M) SDN BHD (“Kentwe”); Garland International, Inc.; Farworld, Inc.; and other entities to ship, import, and enter Chinese-origin honey into the United States.

26. “Indian Transshipper 1” was a citizen and national of India who used “Indian Honey Company” to receive in India Chinese-origin honey shipped from China; blend a percentage of the Chinese honey with Indian honey; mislabel the Chinese honey as originating in India; and ship the Chinese honey into the United States, all on behalf of ALW FOOD GROUP.

27. “German Laboratory” was an independent German-based laboratory that employed a German citizen and national (“Honey Scientist”) and that was hired by ALW FOOD GROUP to test honey for its country-of-origin, its sugar content, and to determine whether it contained

antibiotics.

Department of Commerce's Honey Investigation and Antidumping Duty Order

28. The United States Department of Commerce ("DOC") was charged with regulating commerce in the United States, and as part of its responsibilities had the authority to impose duties on certain foreign imports. One type of duty the DOC imposed was known as an "antidumping duty." An antidumping duty order was a formal determination issued by the DOC that duties should be collected on imports of a particular product from specified countries. Antidumping duties were intended to ensure fair competition between United States companies and foreign industry, and to counter international price discrimination that caused injury to United States industries from "dumping." Dumping occurred when foreign merchandise was sold in the United States at less than fair market value.

29. In October 2000, the DOC initiated an investigation concerning whether honey from China was being sold in the United States at less than fair market value (the "Honey Investigation"). In December 2001, the DOC determined that Chinese-origin honey was being sold into the United States at artificially low prices. As a result, the United States government imposed default antidumping duties on Chinese-origin honey (the "Honey Order"). Between 2001 and approximately July 2007, antidumping duties on Chinese-origin honey were as high as approximately 221% and, later, \$2.06 per net kilogram of honey through the end of 2008.

30. After the imposition of antidumping duties on Chinese-origin honey in 2001, companies not listed in the Federal Register as being permitted to import Chinese-origin honey at a reduced individualized antidumping duty deposit rate were subject to the default antidumping duty rate on honey from China. Between January 2002 and January 2009, honey originating from Russia,

India, Indonesia, Malaysia, Mongolia, Philippines, South Korea, Taiwan, and Thailand was not subject to antidumping duties upon importation and entry into the United States.

CBP's Examination and Clearance of Honey Into the United States

31. The United States Department of Homeland Security, Bureau of Customs and Border Protection ("CBP"), was responsible for, among other things, the examination of merchandise entering the United States to ensure that it was admissible under and in compliance with United States laws, and the assessment and collection of taxes, fees, and duties on imported merchandise, including antidumping duties.

32. CBP entry forms 3461 (Entry/Immediate Delivery) and 7501 (Entry Summary) required importers to provide specific and truthful information relating to imported merchandise, including a description of the merchandise and the merchandise's manufacturer, value, and country of origin. A customhouse broker or agent normally handled the process of entering goods into the United States on behalf of an importer, which included filing entry documents with CBP based on information provided by the importer.

33. Goods shipped from a country of origin to a country of intermediate destination, mislabeled as to country of origin, and that ultimately passed through a customhouse at the port of final destination and entered into the United States as a mislabeled product, were considered illegally "transshipped." Illegal transshipping was done to avoid antidumping duties being imposed on certain products originating from certain countries. Chinese-origin honey imported into the United States through third countries and mislabeled and declared as originating from a third country was illegally "transshipped."

Federal Law Regarding Adulterated Food

34. The United States Food and Drug Administration (“FDA”) enforced the provisions of the Food, Drug, and Cosmetic Act (“FDCA”), 21 U.S.C. § 301 *et seq.*, to ensure that foods were safe, wholesome, sanitary, and properly labeled. The FDCA prohibited the delivery and introduction, and causing the delivery and introduction, into interstate commerce of “adulterated” food. Food was considered “adulterated” if, among other reasons, it contained “food additives,” including the antibiotics Ciprofloxacin and Norfloxacin (from the Fluoroquinolone family), and Chloramphenicol and Furazolidon, all of which were deemed “unsafe” under the FDCA.

DOC’s New Shipper Review

35. Exporters and producers of Chinese-origin honey that sold honey to the United States market after the DOC’s Honey Investigation ended in June 2000, and that were unaffiliated with those that did so during the Honey Investigation, could request a “new shipper” review from the DOC in order to obtain an individual antidumping duty deposit rate. That individualized rate was based on the exporter or producer’s own sales information rather than the default antidumping duty deposit rate on Chinese-origin honey.

36. To qualify as a “new shipper,” the DOC required an exporter or producer to certify that it did not export Chinese-origin honey to the United States during the period of the DOC’s Honey Investigation and that it was not affiliated with any producers or exporters who did so during that period.

37. Pursuant to federal regulation (19 C.F.R. § 351.303(g)), an exporter or producer that requested new shipper status was required to attest to the DOC the accuracy and completeness of each submission.

38. If the DOC determined that a party satisfied the requirements for a new shipper review, it published a notice in the Federal Register and announced the period of review and the expected date for issuing a preliminary individualized antidumping duty deposit rate.

39. In conducting a new shipper review where an exporter or producer's proposed individualized antidumping duty deposit rate was based on a single sale in the United States market, the DOC examined the price, quantity, and other circumstances associated with the sale and determined if it was based on normal commercial considerations and presented an accurate representation of the applicant's normal business practices.

40. If the DOC approved a "new shipper" petition, it issued a preliminary individualized antidumping duty deposit rate. The DOC also issued instructions to CBP to apply the individualized rate to all future Chinese-origin honey that entered the United States from that qualifying exporter or producer until the DOC conducted a subsequent administrative review. If the DOC determined that the sale was not based on normal commercial considerations, or was atypical of the applicant's other sales of comparable merchandise, the DOC could refuse approval and end the review.

B. THE CONSPIRACY

41. Beginning in or about January 2002 and continuing until in or about January 2009, at Chicago in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
STEFANIE GIESSELBACH,

MAGNUS VON BUDDENBROCK,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA,
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA, and
QHD SANHAI HONEY CO., LTD.,

defendants herein, did agree and conspire with each other, and others known and unknown to the Grand Jury, to defraud the United States, and to commit offenses against the United States, namely:

- a. To fraudulently and knowingly import and bring into the United States merchandise, that is, honey, contrary to law, namely, Title 18, United States Code, Section 542, and sell and facilitate the transportation and sale of such merchandise, knowing the same to have been imported into the United States contrary to Section 542, in violation of Title 18, United States Code, Section 545;
- b. To introduce and deliver for introduction into interstate commerce, with intent to defraud and mislead, honey that contained unsafe food additives, namely, antibiotics, that rendered the honey adulterated under the FDCA, in violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 342(a)(2)(C)(i), and 348(a);
- c. To knowingly alter, destroy, conceal, cover up, falsify, and make false entries in records and documents with the intent to impede, obstruct, and influence an investigation by, and the proper administration of, a matter before the United States Department of Commerce, and in relation or contemplation thereof, in violation of Title 18, United States Code, Section 1519.

Purpose of the Conspiracy

42. The purpose of the conspiracy was to fraudulently import and enter Chinese-origin honey into the United States to avoid the payment of antidumping duties by falsely declaring that the honey originated from countries other than China, and by submitting false documents to the Department of Commerce, and to sell fraudulently-imported honey to United States customers, including honey of different origins adulterated with antibiotics.

C. THE MANNER AND MEANS OF THE CONSPIRACY

Entering Transshipped Chinese-Origin Honey Into The United States

43. It was part of the conspiracy that defendants ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, and CHEN, along with Fan, Yan, Chinese Transshipper 1, Chinese Transshipper 2, Indian Transshipper, and others, fraudulently imported and entered, and caused others to import and enter, into the United States, Chinese-origin honey falsely declared as having originated from countries other than China, including Russia, India, Indonesia, Malaysia, Mongolia, Philippines, South Korea, Taiwan, and Thailand, and in doing so:

- a. purchased and sourced Chinese-origin honey from various producers and brokers located in China and caused the Chinese-origin honey to be transshipped through other countries where it was mislabeled and shipped to the United States;
- b. acquired, used, submitted, and caused others to use fraudulent bills of lading, invoices, packing lists, and country of origin certificates; and
- c. created and used shell and front companies to obtain, supply, ship, and fraudulently import and enter Chinese-origin honey into the United States, including: Wuhan Shino; CRC Foodstuff; Vista; Blue Action; 7 Tiger; Honey World; Glory Spring; Nefelon; Huaqi-Mercury Liability Corporation Limited; MGL Yung Sheng Honey Co. Ltd.; Fresh Honey Co. Ltd.; Kentwe; Garland International Inc.; and Farworld Inc.

44. It was further part of the conspiracy that between in or about March 2002 and in or about April 2008, ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, CHEN, Fan, Chinese Transshipper 1, Chinese Transshipper 2, Indian Transshipper 1, and others, fraudulently imported and entered, and attempted to fraudulently import and enter, into the United States approximately 606 total entries of Chinese-origin honey falsely declared as having originated in Russia, India, Indonesia, Malaysia, Mongolia, Philippines, South Korea, Taiwan, and Thailand, having a total declared value upon entry of approximately \$39,598,775, thereby avoiding

antidumping duties applicable to Chinese-origin honey totaling approximately \$78,176,783, including the following:

- a. Between in or about March 2002 and February 2008, ALW FOOD GROUP acted as the importer of record for approximately 446 falsely-declared entries having a total declared value upon entry of approximately \$30,640,124, thereby avoiding antidumping duties totaling approximately \$59,044,726, and consisting of:
 - (1) 163 entries declared as Russian-origin between on or about December 23, 2003 and February 20, 2008, with a declared value of approximately \$11,436,084;
 - (2) 180 entries declared as Indian-origin between on or about March 5, 2002 and October 26, 2006, with a declared value of approximately \$10,361,064;
 - (3) 21 entries declared as Indonesian-origin between on or about October 27, 2003 and September 2, 2006, with a declared value of approximately \$1,968,926;
 - (4) 48 entries declared as Malaysian-origin between on or about September 13, 2002 and September 25, 2003, with a declared value of approximately \$4,626,744;
 - (5) 31 entries declared as Mongolian-origin between on or about August 17, 2005 and April 18, 2007, with a declared value of approximately \$1,994,087; and
 - (6) 3 entries declared as Philippine-origin between on or about June 4, 2005 and December 26, 2005, with a declared value of approximately \$253,219.
- b. Between in or about August 2005 and June 2006, Fan's companies, Blue Action, 7 Tiger, and Honey World, acted as the importer of record for approximately 48 falsely-declared entries having a total declared value of approximately \$1,681,163, thereby avoiding antidumping duties totaling approximately \$3,089,977, and consisting of:

- (1) 42 entries declared as Korean-origin between on or about August 5, 2005 and March 27, 2006, with a declared value of approximately \$1,301,611;
 - (2) 4 entries declared as Taiwanese-origin between on or about May 13, 2006 and June 10, 2006, with a declared value of approximately \$232,000; and
 - (3) 2 entries declared as Thai-origin between on or about March 9, 2006 and June 12, 2006, with a declared value of approximately \$147,552.
- c. Between in or about October 2007 and April 2008, Chinese Transshipper 1's affiliated entity, Glory Spring, acted as the importer of record for approximately 100 falsely-declared entries having a total declared value of approximately \$6,235,416, thereby avoiding antidumping duties totaling approximately \$13,781,516, and consisting of:
- (1) 93 entries declared as Russian-origin between on or about October 4, 2007 and April 28, 2008, with a declared value of approximately \$5,504,893; and
 - (2) 7 entries declared as Mongolian-origin between on or about October 2, 2007 and March 3, 2008, with a declared value of approximately \$730,523.
- d. Between on or about January 23, 2007 and February 29, 2008, Chinese Transshipper 2's affiliated entity, Kentwe, acted as the importer of record for approximately 12 entries falsely declared as Malaysian-origin having a total declared value of approximately \$1,042,072, thereby avoiding antidumping duties totaling approximately \$2,260,563.

45. It was further part of the conspiracy that between in or about October 2007 and June 2008, ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, CHEN, Chinese Transshipper 1, Chinese Transshipper 2, Indian Transshipper 1, and others, imported and caused the importation and introduction of:

- a. 2,121 drums of honey falsely and fraudulently declared as originating variously in India, Malaysia, Mongolia, and Russia, having a total declared value of approximately \$987,687, thereby avoiding antidumping duties totaling approximately \$1,242,673, and consisting of the following shipments seized by the United States:
- (1) 126 drums seized on or about April 4, 2008 in Minneapolis, Minnesota;
 - (2) 129 drums seized on or about May 30, 2008 in Glenview, Illinois;
 - (3) 551 drums seized on or about June 24, 2008 in Glenview, Illinois;
 - (4) 256 drums seized on or about July 22, 2008 in Tacoma, Washington;
 - (5) 189 drums seized on or about September 18, 2008 in Bensenville, Illinois;
 - (6) 124 drums seized on or about September 23, 2008 in Minneapolis, Minnesota;
 - (7) 126 drums seized on or about November 12, 2008 in Eagan, Minnesota;
 - (8) 174 drums seized on or about December 12, 2008 in Itasca, Illinois; and
 - (9) 446 drums seized on or about December 12, 2008 in Itasca, Illinois.
- b. 320 drums of Chinese-declared honey falsely and fraudulently valued at \$17,369, when in fact its appraised value was approximately \$175,391, thereby avoiding antidumping duties of approximately \$81,713, with such drums seized by the United States on or about May 30, 2008 in Glenview, Illinois.

46. It was further part of the conspiracy that ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, CHEN, Fan, Indian Transshipper 1, and others, transshipped Chinese-origin honey to India, knowing that it would be imported into the United States as Indian honey, and referred to this transshipped, mislabeled Chinese honey as “white drum” honey. Between in or about 2002 and

in or about December 2006, Indian Transshipper 1 mislabeled this honey as originating in India, and after in or about December 2006, blended the Chinese-origin honey with honey from India, recontainerized and mislabeled it as wholly Indian in origin, referred to this blended product as “white drum” honey, and caused it to be shipped to the United States, where ALW FOOD GROUP fraudulently imported and entered the blended honey as Indian-origin honey.

47. It was further part of the conspiracy that ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, and Chinese Transshipper 1 caused bills of lading accompanying Chinese-origin honey shipped from China to South Korea to declare that the product was molasses, fructose, or glucose syrup, and upon importation and entry into the United States, caused the honey to be falsely declared as non-Chinese in origin, including as Russian honey.

48. It was further part of the conspiracy that ALW FOOD GROUP and ALW FOOD GROUP EXECUTIVES purchased and obtained Chinese-origin honey and honey products from entities affiliated with and used by CHEN, Fan, Chinese Transshipper 1, Chinese Transshipper 2, and others after the honey was released by CBP at the port of entry, so as to conceal their connection to the Chinese-origin honey being imported and entered fraudulently into the United States.

49. It was further part of the conspiracy that in or about May 2007, GIESSELBACH requested a customhouse broker/agent not to identify ALW USA in any customs - related documents so that ALW FOOD GROUP would not be associated with any specific honey importation and would not appear in import and customhouse statistics, including statistics that appear in the PIERS commercial database, which contains cargo import and export information.

50. It was further part of the conspiracy that ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, and others, caused certain Chinese-origin honey to be filtered before the honey

arrived in the United States, including through a process known as “triple filtration,” to remove pollen and other trace elements that could indicate that the honey originated in China.

51. It was further part of the conspiracy that ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, and others:

- a. authored, transmitted, received, and approved emails, including emails containing code words dealing with the conspiracy;
- b. sought to limit their use of emails when discussing transshipping and honey adulteration-related matters and instead purposefully communicated by telephone and in foreign languages, including German, to avoid detection by United States law enforcement authorities;
- c. communicated using instant messaging, including Skype, and personal email accounts rather than official business email accounts; and
- d. purposefully deleted emails and instant messaging chats dealing with the conspiracy.

52. It was further a part of the conspiracy that ALW USA paid for the Chinese-origin honey by wire transferring funds from its bank account in Chicago to (a) ALW HONG KONG, which served as an intermediary between ALW USA and the various Chinese honey producers and suppliers; (b) Blue Action, 7 Tiger, Honey World, and Kazak, as payment for the Chinese-origin honey Fan fraudulently imported and entered into the United States; and (c) others.

Introduction and Sale of Adulterated Chinese-Origin Honey

53. It was further part of the conspiracy that ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, and others:

- a. caused honey en route to the United States to be tested by German Laboratory and after learning that the honey contained antibiotics, filed and caused to be filed CBP entry forms 3461 and 7501 for the adulterated honey and sold and caused to be delivered adulterated honey to United States customers;
- b. sold and caused to be delivered adulterated honey to United States customers that

ALW FOOD GROUP learned after importation contained antibiotics; and

- c. re-sold and caused to be delivered to United States customers adulterated honey that had been rejected by other customers due to the presence of antibiotics.

54. It was further part of the conspiracy that ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, and others, requested and procured altered and false laboratory testing results from German Laboratory regarding country of origin determinations for honey; and submitted honey samples to laboratories for testing without including container numbers and contract numbers to avoid government authorities tracing to specific honey shipments test results that showed those shipments to be adulterated with antibiotics.

55. It was further part of the conspiracy that ALW FOOD GROUP identified and selected certain United States customers that ALW FOOD GROUP EXECUTIVES believed did not test for the presence of antibiotics in honey, and sold and caused to be delivered adulterated honey to these customers, including one customer in Texas known and referred to by ALW FOOD GROUP and ALW FOOD GROUP EXECUTIVES as the “Garbage Can” for honey adulterated with antibiotics.

Impeding and Obstructing DOC’s Administration of QHD’s New Shipper Review

56. It was further part of the conspiracy that in 2006, ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, and CHEN supplemented their illegal transshipment activities by creating a new front company, QHD, designed to obtain a lower individualized antidumping duty deposit rate from the DOC’s new shipper review process by falsely and fraudulently causing the DOC to find that QHD qualified as a “new shipper” under DOC’s review standards and therefore was entitled to bring Chinese-declared honey into the United States under a lower, antidumping duty-exempt rate.

57. It was further part of the conspiracy that in and about 2006 and 2007, ALW FOOD

GROUP, ALW FOOD GROUP EXECUTIVES, CHEN, QHD, and others, prepared, submitted, and caused to be prepared and submitted, false, fraudulent, and misleading records and documents to the DOC:

- a. that made it falsely appear that ALW USA had purchased honey from QHD pursuant to two arms-length transactions, namely, purchase orders 1010 and 1159, both of which were the subject of QHD's new shipper review; and
- b. to cause the DOC to issue QHD a lower individualized antidumping duty deposit rate through the new shipper review process in order to enable QHD and ALW FOOD GROUP to import Chinese-origin honey into the United States in avoidance of the Honey Order and the applicable default antidumping duty deposit rate then in effect.

58. It was further part of the conspiracy that in order to influence and mislead the DOC into concluding that ALW FOOD GROUP and QHD were not affiliated with one another, and did not otherwise have preexisting business dealings that adversely affected QHD's eligibility for obtaining new shipper status, in October 2006 CHEN emailed GERKMANN pretending to introduce himself and QHD to ALW USA, when in fact ALW FOOD GROUP and ALW USA had a preexisting business relationship with CHEN, including with Wuhan Shino, a company affiliated with CHEN and from which ALW FOOD GROUP had purchased millions of dollars of honey between in or about 2005 through in or about 2006.

59. It was further part of the conspiracy that as a result of the false, fraudulent, and misleading records and documents ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, CHEN, QHD, and others, submitted and caused to be submitted to the DOC, the DOC issued QHD a preliminary individualized antidumping duty deposit rate of 0%, which was lower than the default antidumping duty rate then in effect on Chinese-origin honey.

60. It was further part of the conspiracy that ALW FOOD GROUP, MARTEN, CHEN,

QHD, and others, prepared and submitted, and caused to be prepared and submitted, to the DOC false and misleading certifications that their submissions relating to QHD's new shipper application were complete and accurate.

61. It was further part of the conspiracy that ALW FOOD GROUP, ALW FOOD GROUP EXECUTIVES, CHEN, QHD, and others, prepared, created, and maintained, and caused to be prepared, created, and maintained false, fraudulent, and misleading entries, records, and documents, including purchase orders, invoices, internal costing reports, checks bearing descriptions, debit notes, and emails relating to, and associated with, purchase orders 1010, 1159, and 1174.

62. It was further part of the conspiracy that upon QHD obtaining a 0% preliminary individualized antidumping duty deposit rate, BELTEN instructed GIESSELBACH and VON BUDDENBROCK to destroy, conceal, and cover up ALW USA's internal emails, documents, and records relating to the new shipper review process for the purpose of impeding, obstructing, and influencing the DOC's investigation and the proper administration of QHD's new shipper review process, and advised WOLFF, LIU, and MARTEN of these instructions.

63. It was further part of the conspiracy that defendants and their co-conspirators misrepresented, concealed, and hid, and caused to be misrepresented, concealed, and hidden, the acts and the purposes of the acts done in furtherance of the conspiracy.

D. OVERT ACTS

64. In furtherance of the conspiracy, and to accomplish one or more the objects of the conspiracy, defendants and others, known and unknown to the Grand Jury, committed and caused to be committed the following overt acts:

a. *Entering Transshipped and Adulterated Chinese Honey Into The United States*

India

(1) On or about February 12, 2004, Indian Transshipper 1 emailed an ALW HONEY employee, with a copy to BECKER and WEICKERT, and stated:

Please be noted that in this particular transaction we were only suppose to shift the Honey from 1 container to the other and just dispatch as it is to USA. All the markings on the drums were suppose to be done by Kirkam [ALW HONG KONG].

It was very clearly stated before the agreement between Kirkam and us that our job was only to shift

(2) On or about February 12, 2004, BECKER forwarded Indian Transshipper 1's email to MARTEN and GERKMANN as an "FYI."

Purchase Order 492

(3) On or about April 30, 2004, ALW USA issued purchase order 492 to Indian Honey Company for 48 container loads of "Indian Light Amber Honey" valued at approximately \$1,097,280, for delivery in the United States between May and August 2004.

(4) On or about May 17, 2004, CHEN emailed WEICKERT and LIU setting forth the shipping arrangements for 16 container loads of honey from China to India, representing a portion of the honey needed to fulfill purchase order 492.

(5) Between on or about August 28 and October 18, 2004, ALW USA filed and caused to be filed approximately 21 separate CBP entry forms 3461 and 7501, wherein 48 container loads of Chinese-origin honey from purchase order 492 were falsely declared as honey originating in India and valued at approximately \$1,032,945, including the following entries, each of which constitutes a separate overt act:

- (a) On or about August 28, 2004, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number WBA-6006765-8, wherein two container loads of Chinese-origin honey from purchase order 492 were falsely declared as honey originating in India and valued at approximately \$42,817, thereby avoiding approximately \$78,697 in antidumping duties;
 - (b) On or about September 10, 2004, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number WBA-6006828-4, wherein six container loads of Chinese-origin honey from purchase order 492 were falsely declared as honey originating in India and valued at approximately \$127,302, thereby avoiding approximately \$233,981 in antidumping duties; and
 - (c) On or about September 7, 2004, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number WBA-6006815-1, wherein one container load of Chinese-origin honey from purchase order 492 was falsely declared as honey originating in India and valued at approximately \$21,213, thereby avoiding approximately \$38,989 in antidumping duties.
- (6) Between in or about August and December 2004, ALW USA caused to be delivered approximately 48 container loads of honey from purchase order 492 to three United States honey customers, including the following deliveries, each of which constitutes a separate overt act:
- (a) In or about September 2004, ALW USA caused to be delivered one container load of honey from WBA-6006765-8 to USA Customer 7.
 - (b) In or about September 2004, ALW USA caused to be delivered one container load of honey from WBA-6006828-4 to USA Customer 1.
 - (c) In or about December 2004, ALW USA caused to be delivered one container load of honey from WBA-6006815-1 to USA Customer 2.

Communications Regarding Falsely-Declared Indian Honey

- (7) On or about July 8, 2005, GERKMANN emailed BELTEN, with a copy to WEICKERT, LIU, and MARTEN, asking BELTEN and LIU to inquire about obtaining 40 container loads of Indian white honey and Indian extra light amber honey.
- (8) On or about July 11, 2005, BELTEN responded to the foregoing email, with a copy

to WEICKERT, LIU, and MARTEN, providing information about transshipping Chinese-origin honey from China through India to various ports in the United States.

(9) On or about February 2, 2006, BELTEN emailed GERKMANN, with a copy to LIU and MARTEN, regarding the pricing terms for 60 container loads of Chinese-origin honey to be shipped through India.

(10) On or about February 9, 2006, GERKMANN emailed BELTEN, with a copy to LIU and MARTEN, and stated: “subject [to] confirmation of Alex Wolff done deal. Sales over 1 MIO-\$ must be confirmed by him.”

(11) On or about February 9, 2006, BELTEN emailed GERKMANN, with a copy to WOLFF, LIU, and MARTEN, and stated: “Alex gave us his go. Please send your POs for the 40 FCL to [Indian Transshipper 1].”

(12) On or about April 11, 2006, BELTEN emailed Fan and GERKMANN, with a copy to LIU and MARTEN, summarizing a telephone conversation in which Fan and LIU discussed transshipping Chinese-origin honey to India.

(13) On or about April 11, 2006, LIU emailed Fan, GERKMANN and BELTEN, with a copy to MARTEN, discussing how ALW FOOD GROUP would cause Chinese-origin honey to be transshipped through India, and stated: “I would like to suggest the [ALW USA, ALW HONG KONG, Fan, and the factory] shall reach an agreement asap so that we can start shipment already from CN [China] already next week.”

(14) On or about September 5, 2007 BELTEN emailed Indian Transshipper 1 regarding “NEW OFFER 60 - 80 FCL!!!,” offering price and delivery terms for Chinese-origin honey from China to India for entry into the United States and the options of triple filtering the Chinese-origin

honey and blending Chinese-origin honey with Indian-origin honey.

Philippines

(15) In or about early 2005, Yan agreed to sell Chinese-origin honey to ALW FOOD GROUP after discussing with LIU that the honey would be transshipped through the Philippines and declared as the product of the Philippines upon importation into the United States.

(16) In or about March 2005, with the authorization and approval of Yan, Zhang traveled to Subic Bay in the Philippines, hired a company in the Freeport Zone to serve as a transshipment agent on behalf of Changge Jixiang, and caused Chinese-origin honey to be mislabeled as a product of the Philippines.

Purchase Order 670

(17) On or about March 6, 2005, LIU emailed MARTEN, GERKMANN, and WEICKERT regarding Yan transshipping Chinese-origin honey through the Philippines to the United States and Yan's request to receive payment in a Philippine bank account.

(18) On or about March 28, 2005, LIU advised GERKMANN by email that honey from purchase order 670 was en route from China to the Philippines, was estimated to arrive in Chicago and New York in April and May, and asked ALW USA to complete the purchase.

(19) On or about March 29, 2005, WEICKERT signed purchase order 670 to supply ALW USA with four container loads of "Philippines Extra Light Amber Honey" that was "Product of Philippines" valued at approximately \$83,427, for delivery in April 2005.

(20) In or about April 2005, LIU, Yan, Zhang, and others, shipped and caused to be shipped four container loads of Chinese-origin honey from China to Subic Bay in the Philippines, where it was mislabeled as being of Philippine origin.

(21) On or about June 4, 2005, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number D21-0040135-7, wherein four container loads of Chinese-origin honey from purchase order 670 were falsely declared as having originated in the Philippines and valued at approximately \$69,475.

(22) In or about June 2005, ALW USA caused Chinese-origin honey from purchase order 670 to be delivered to USA Customer 1.

Purchase Order 718

(23) On or about July 7, 2005, WEICKERT signed purchase order 718 dated July 1, 2005 to supply ALW USA with eight container loads of “Philippines Light Amber Honey” that was “Product of Philippines” valued at approximately \$160,358, for delivery in August 2005 or “soonest possible.”

(24) On or about July 7, 2005, GERKMANN signed and dated an internal ALW USA business record reflecting that the honey associated with purchase order 718 had tested positive for the presence of an antibiotic.

(25) In or about September 2005, Yan, Zhang, LIU, and others, shipped and caused to be shipped eight container loads of Chinese-origin honey from purchase order 718 from China to Subic Bay in the Philippines, where it was mislabeled as being of Philippine origin.

(26) On or about October 13, 2005, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number EN5-0001184-0, wherein eight container loads of Chinese-origin honey from purchase order 718 were falsely declared as having originated in the Philippines and valued at approximately \$133,632.

(27) On or about October 26, 2005, ALW USA caused Chinese-origin honey adulterated

with antibiotics from purchase order 718 to be delivered to USA Customer 1.

Purchase Orders 726 & 727

(28) On or about July 19, 2005, BELTEN signed purchase orders 726 and 727, dated July 18, 2005, to supply ALW USA with six container loads of “Philippines Extra Light Amber Honey” and “Philippines White Honey” that was “Product of Philippines,” with a combined value of approximately \$123,980, for “prompt shipment.”

(29) In or about October 2005, LIU, Yan, Zhang, and others, shipped and caused to be shipped fifteen container loads of Chinese-origin honey from China to Subic Bay in the Philippines, three of which were part of purchase orders 726 and 727 and were destined for ALW USA, with the other twelve containers shipped to Rainier Cascade Inc., an import/distribution company in the State of Washington owned and controlled by Chung Po Liu.

(30) On or about December 10, 2005, ALW USA imported three container loads of Chinese-origin honey from purchase orders 726 and 727 that it falsely declared as being Philippine-origin honey after GERKMANN learned from German Laboratory, which was hired by ALW FOOD GROUP, that the Chinese-origin honey from purchase orders 726 and 727 had tested positive for the presence of Norfloxacin and Ciprofloxacin.

(31) On or about December 26, 2005, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number DN1-0055467-9, wherein three container loads of Chinese-origin honey from purchase orders 726 and 727 were falsely declared as honey originating in the Philippines and valued at approximately \$50,112.

(32) On or about January 17, 2006, MARTEN and GERKMANN were notified by USA Customer 2 in an email captioned “PO 727 / GESU 274182-0” that included as an attachment the

results of a laboratory analysis, that USA Customer 2 was rejecting a full container load of honey (container number GESU 274182-0) from purchase order 727 because the honey was adulterated with Furazolidon, and GERKMANN circulated this email to MARTEN, LIU, and BELTEN.

(33) On or about January 17, 2006, BELTEN responded to GERKMANN's foregoing email, with a copy to MARTEN and LIU, addressed how to handle the adulterated honey from purchase order 727 rejected by USA Customer 2, and stated:

Would be great if you could convince [USA Customer 2] to blend the goods with other honey.
I could grant you a discount. Just let me know how much he needs.

(34) On or about January 30, 2006, ALW USA received USA Customer 3's purchase order 321 for one full container load of honey falsely listed as originating in the Philippines at a discounted price of approximately \$23,527.

(35) On or about February 3, 2006, ALW USA caused to be delivered to USA Customer 3 one full container load of honey identified as container number GESU 274182-0, the same container from purchase order 727 rejected for the presence of antibiotics by USA Customer 2.

(36) On or about March 15, 2006, ALW USA hired a broker to pick up from USA Customer 2 and deliver to USA Customer 1 two container loads of adulterated honey from purchase order 726, after USA Customer 2 had rejected the honey and notified ALW USA that the honey had tested positive for presence of Norfloxacin and Ciprofloxacin.

South Korea, Taiwan & Thailand

(37) On or about March 17, 2005, ALW USA issued purchase order 660 to Fan's company, Blue Action, for 200 container loads of "Taiwan White Honey" valued at approximately \$4,572,000.

(38) On or about August 3, 2005, MARTEN emailed LIU, WEICKERT, and BELTEN, with a copy to GERKMANN and GEHRICKE, that contained the subject line “visit preparation,” attached a spreadsheet entitled “PO history BA.xls,” and discussed Blue Action’s honey purchase order history, alternative countries of origin for falsely declaring Chinese-origin honey, and that some honey was adulterated with Chloramphenicol.

(39) On or about August 8, 2005, WEICKERT replied to the foregoing email and summarized a meeting among ALW FOOD GROUP EXECUTIVES and Fan covering a variety of topics, including purchase order 660; the storage, transportation, and shipping of Blue Action’s honey; and antibiotics in the honey.

(40) On or about May 3, 2006, MARTEN emailed BECKER and GIESSELBACH, with a copy to WOLFF, WEICKERT, BELTEN, and GERKMANN, that contained the subject line “Loesungsmoeglichkeiten” (translated “possible solutions”) and stated in German:

To start the morning with some bad news Yesterday the American Customs seized 6 FCL of kor.w34 [Korean White honey] in Chicago. We do not exactly know what this means. Surely this honey will not be available and I doubt more and more that our supplier MF [Fan] can or will ever be able to get a single FCL into the United States. This does not make the matter any easier. I request that all recipients not to write email about this topic. Please OVER THE TELEPHONE and in German! Thank you!

(41) In or about 2006, WOLFF ordered ALW FOOD GROUP EXECUTIVES to obtain his personal approval for purchase orders in excess of approximately \$1 million involving ALW USA.

(42) Between in on or about August 2005 and June 2006, Fan and ALW FOOD GROUP EXECUTIVES, and others, caused Blue Action, 7 Tiger, and Honey World to fraudulently import and enter into the United States approximately 48 entries of Chinese-origin honey falsely declared

as Korean, Taiwanese, and Thai honey for ALW FOOD GROUP, including the following entries, each of which constitutes a separate overt act:

- (a) on or about September 1, 2005, Blue Action imported and entered into the United States approximately 55,680 kilograms of Chinese-origin honey falsely declared as Korean-origin for ALW FOOD GROUP, having a total declared value upon entry of approximately \$47,328, thereby avoiding approximately \$86,988 in antidumping duties;
- (b) on or about October 13, 2005, Honey World imported and entered into the United States approximately 37,120 kilograms of Chinese-origin honey falsely declared as Korean-origin for ALW FOOD GROUP, having a total declared value upon entry of approximately \$31,552, thereby avoiding approximately \$57,992 in antidumping duties;
- (c) on or about June 10, 2006, Blue Action imported and entered into the United States approximately 74,240 kilograms of Chinese-origin honey falsely declared as Taiwanese-origin for ALW FOOD GROUP, having a total declared value upon entry of approximately \$92,800, thereby avoiding approximately \$170,566 in antidumping duties;
- (d) on or about June 12, 2006, 7 Tiger imported and entered into the United States approximately 111,360 kilograms of Chinese-origin honey falsely declared as Thai-origin for ALW FOOD GROUP, having a total declared value upon entry of approximately \$128,064, thereby avoiding approximately \$235,381 in antidumping duties.

Indonesia

Purchase Order 719

(43) On or about July 1, 2005, GERKMANN emailed BELTEN, with a copy to WEICKERT, LIU, and MARTEN, that praised CHEN's transshipment of Chinese-origin honey from China to India, and confirmed the price and delivery terms for 35 container loads of Chinese-origin honey to be transshipped through Indonesia for entry into the United States.

(44) On or about July 4, 2005, WEICKERT signed purchase order 719 to supply ALW USA with 35 container loads of "Indonesian Light Amber Honey" valued at approximately

\$714,560, for delivery between August and November 2005.

(45) On or about October 13, 2005, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number EN5-0001173-3, wherein ten container loads of Chinese-origin honey from purchase order 719 were falsely declared as honey originating in Indonesia and valued at approximately \$165,184.

(46) On or about November 10, 2005, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number EN5-0001389-5, wherein ten container loads of Chinese-origin honey from purchase order 719 were falsely declared as honey originating in Indonesia and valued at approximately \$165,184.

(47) On or about March 17, 2006, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number EN5-0002363-9, wherein ten container loads of Chinese-origin honey from purchase order 719 were falsely declared as honey originating in Indonesia and valued at approximately \$163,328.

(48) On or about April 10, 2006, CHEN emailed BELTEN regarding “Indonesian ex PO 719” and discussing the production, shipping, and delivery schedule for Chinese-origin honey relating to purchase order 719 destined for entry into the United States.

(49) On or about June 22, 2006, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number EN5-0003360-4, wherein eight container loads of Chinese-origin honey, some of which were part of purchase order 719, were falsely declared as honey originating in Indonesia and valued at approximately \$132,147.

(50) On or about November 16, 2005, ALW USA caused three container loads of honey from purchase order 719 to be delivered to USA Customer 1.

Russia

Purchase Order 707

(51) On or about June 14, 2005, BELTEN signed purchase order 707 to supply ALW USA with seven container loads of “Russian White Honey” valued at approximately \$144,923, for delivery in June and July 2005.

(52) On or about August 9, 2005, GERKMANN emailed Honey Scientist regarding “Analysis results” and stated in German:

Hello my favorite [Honey Scientist],

You sample numbers 96918, 96919, 96920, 96921, Russian White -
... The pollen analysis is missing the botanical origin of Russia; canola honey from Russia. I would like to ask you to insert the botanical origin of Russia. ...

(53) On or about August 11, 2005, GERKMANN received an email from Honey Scientist agreeing to alter the country of origin determination contained in the German Laboratory report for purchase order 707-1 and stating in German: “Okay: Russia possible, I can accept. Will send out the changed/alterd certificate today. So long as none of the characteristic pollens other than canola appear, then nobody in fact can say from where the honey comes.”

(54) On or about August 11, 2005, GERKMANN received the altered German Laboratory report that stated “Russia” as the country of origin.

(55) On or about August 22, 2005, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number D21-0040816-2, wherein four container loads of Chinese-origin honey from purchase order 707 were falsely declared as honey originating in Russia and valued at approximately \$66,124.

(56) In August 2005, ALW USA caused the four container loads of honey described as Russian in origin from purchase order 707-1, including container number ECMU 1290956, to be delivered to USA Customer 5.

Purchase Order 1026

(57) On or about November 22, 2006, GERKMANN signed purchase order 1026 to purchase from ALW HONG KONG three container loads of “Russian White Honey” valued at approximately \$88,809, for February 2007 delivery.

(58) On or about January 6, 2007, MARTEN emailed GIESSELBACH an FDA Alert setting forth the thresholds for Fluoroquinolones in honey.

(59) On or about January 10, 2007, after obtaining lab results from German Laboratory, GIESSELBACH emailed BELTEN and LIU notifying them that three containers of honey from purchase order 1026, namely MSCU 6353207, TRLU 2429537, and MSCU 2133565, that were en route to the United States had tested positive for the presence of Norfloxacin.

(60) On or about January 22, 2007, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number E94-1033979-6, wherein three container loads of Chinese-origin honey from purchase order 1026 were falsely declared as honey originating in Russia and valued at approximately \$71,402.

(61) In early 2007, BELTEN, LIU, MARTEN, GIESSELBACH, and VON BUDDENBROCK agreed that because of USA Customer 2’s testing standards the three adulterated containers of honey from purchase order 1026 could not be delivered to USA Customer 2, and would be re-routed to USA Customer 3, with three unadulterated replacement containers to be sent to USA Customer 2.

(62) On or about February 23, 2007, ALW USA arranged to deliver the three adulterated containers of honey, namely MSCU 6353207, TRLU 2429537, and MSCU 2133565, from purchase order 1026 to USA Customer 3, such deliveries occurring between March 8 and March 19, 2007.

(63) In or about April 2007, in preparation for VON BUDDENBROCK taking over MARTEN's duties, MARTEN advised VON BUDDENBROCK that ALW FOOD GROUP was fraudulently importing Chinese-origin honey into the United States and instructed VON BUDDENBROCK to treat the conversation as confidential and not to take notes.

Purchase Orders 1049 & 1133

(64) On or about January 10, 2007, ALW USA issued purchase order 1049 to ALW HONG KONG for 70 container loads of "Russian ELA [extra light amber] Honey" valued at approximately \$1,677,187, for delivery from March 2007 through July 2007, at a rate of approximately 14 containers per month.

(65) On or about August 6, 2007, ALW USA issued purchase order 1133 to ALW HONG KONG for eight container loads of "Russian ELA Honey" valued at approximately \$228,739, for September 2007 delivery.

(66) Between in or about January and September 2007, BELTEN, on behalf of ALW HONG KONG, caused Chinese-origin honey from purchase orders 1049 and 1133 to be declared as molasses and shipped from China to Busan, South Korea, where it was re-containerized as Russian honey, imported and entered into the United States by ALW USA as Russian-origin honey, and sold to United States Customers 1 and 4 as Russian ELA honey, pursuant to the following shipment schedule, each entry constituting a separate overt act:

Overt Act	PO No.	Master Bill of Lading No. Out of China	South Korean Entry Date	House Bill of Lading No. Out of Korea & Date	CBP Entry No. & Date	Approx. Declared Value
(a)	1049/ 1 10	NSSLSMCHB7047955	01/30/2007	PWTS07010002 01/31/2007	E94 1036116 2 03/02/2007	\$193,245
(b)	1049/ 11 14	NSSLSMCHB7047956	01/30/2007	PWTS07010003 1/31/2007	E94 1036115 4 03/02/2007	\$77,298
(c)	1049/ 15 20	NSSLLBCHB7703957	02/02/2007	PWTS07010005 02/13/2007	E94 1036720 1 03/19/2007	\$115,947
(d)	1049/ 21 26	NSSLBHCHB7703966	02/13/2007	PWTS07010006 02/18/2007	E94 1036819 1 03/17/2007	\$115,947
(e)	1049/ 27 28	NSSLLBCHB7704968	02/16/2007	PWTS07020001 02/25/2007	E94 1037253 2 03/24/2007	\$38,649
(f)	1049/ 41 43	NSSLSMCHB7057956	06/19/2007	PWTS07060004 06/27/2007	E94 1043485 2 07/19/2007	\$57,974
(g)	1049/ 47 49	NSSLLBCHB7713951	06/21/2007	PWTS07060001 06/30/2007	E94 1043711 1 07/26/2007	\$57,974
(h)	1049/ 50 52	PCLUXSP726503	07/04/2007	PWTS07070001 07/11/2007	E94 1043710 3 07/26/2007	\$57,974
(i)	1049/ 53 55	PCLUXSP726503	07/04/2007	PWTS07070002 07/11/2007	E94 1043712 9 07/26/2007	\$57,974
(j)	1049/ 56 57	PCLUXSP730503	08/01/2007	PWTS07070003 08/08/2007	E94 1045002 3 08/25/2007	\$38,649
(k)	1133/ 1 2	NSSLBHCHB7716951	08/10/2007	PWTS07080001 08/22/2007	E94 1045785 3 09/12/2007	\$46,505
(l)	1133/ 3 4	NSSLBHCHB7716951	08/10/2007	PWTS07080002 08/22/2007	E94 1045659 0 09/12/2007	\$46,505
(m)	1133/ 5	NSSLBHCHB7716951	08/10/2007	PWTS07080003 08/22/2007	E94 1045658 2 09/12/2007	\$23,253

Mongolia

Purchase Order 1052

(67) On or about January 19, 2007, ALW USA issued purchase order 1052 to ALW HONG KONG for sixteen container loads of “Mongolian/Russian” honey valued at approximately \$400,896, for February 2007 delivery.

(68) On or about February 1, 2007, BELTEN emailed GIESSELBACH, with a copy to LIU, MARTEN, and VON BUDDENBROCK, informing them that two containers of honey from purchase order 1052 were adulterated with Norfloxacin.

(69) On or about February 2, 2007, GIESSELBACH responded to the foregoing email and stated: “I know that [USA Customer 5] do [sic] not test FQ [Fluoroquinolones]. If Thomas [MARTEN] agrees we will accept the containers.”

(70) On or about February 2, 2007, MARTEN responded to the foregoing email and stated: “Generally, yes we can accept them. . . .”

(71) On or about March 25, 2007, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number E94-1037051-0, wherein two container loads of Chinese-origin honey from purchase order 1052 were falsely declared as honey originating in Mongolia and valued at approximately \$41,782.

(72) On or about March 26, 2007, ALW USA caused two container loads of honey from purchase order 1052, namely EISU 3727760 and GLDU 2990346, to be delivered to USA Customer 5, knowing that the honey contained antibiotics not approved in food products.

(73) On or about April 15, 2007, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number E94-1038306-7, wherein one full container load of Chinese-origin honey from purchase order 1052 was falsely declared as honey originating in Mongolia and valued at approximately \$20,891.

(74) On or about April 18, 2007, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number E94-1038305-9, wherein nine container loads of Chinese-

origin honey from purchase order 1052 were falsely declared as honey originating in Mongolia and valued at approximately \$188,018.

(75) On or about October 8, 2007, BELTEN instant messaged GIESSELBACH, and stated in German “russen [sic: Russian], mogolen [sic: Mongolian] all the same.”

Malaysia

Purchase Orders 1118 & 1129

(76) On or about June 21, 2007, ALW USA issued purchase order 1118 to Wuhan Shino, a company affiliated with CHEN, for three container loads of “Chinese Extra Light Amber” honey valued at approximately \$89,490, for July 2007 delivery.

(77) On or about July 30, 2007 ALW USA issued purchase order 1129 to Kentwe, a company affiliated with Chinese Transshipper 2, as a replacement for purchase order 1118, for three container loads of “Malaysian ELA Honey” valued at approximately \$91,200 for August 2007 delivery.

(78) On or about August 2, 2007, GIESSELBACH notified USA Customer 4 that the Chinese-origin honey from purchase order 1118 could not be supplied because a higher antidumping duty rate potentially would be imposed, and proposed changing the terms of the contract from Chinese-origin honey to Malaysian-origin honey at the same price, which USA Customer 4 accepted that day.

(79) On or about August 13, 2007, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number W69-7007303-8, wherein Chinese-origin honey from purchase order 1129 was falsely declared as honey originating in Malaysia and valued at approximately \$154,320.

(80) On or about August 20, 2007, ALW USA caused Chinese-origin honey from purchase order 1129, falsely described as Malaysian in origin, to be delivered to USA Customer 4.

b. *Sale of Adulterated Honey In Interstate Commerce*

Purchase Order 995

(1) On or about September 13, 2006, GERKMANN signed purchase order 995 to purchase from ALW GERMANY three container loads of “Polish Light Amber Honey” that was “Product of Poland” valued at approximately \$97,755, for “prompt” shipment.

(2) On or about September 25, 2006, GERKMANN entered into an agreement to sell USA Customer 6 three container loads of Polish-origin honey.

(3) On or about November 10, 2006, GERKMANN was notified via a laboratory report from German Laboratory that one container of honey from purchase order 995 was adulterated with Chloramphenicol.

(4) On or about November 19, 2006, ALW USA filed and caused to be filed CBP entry forms 3461 and 7501, bearing entry number EN5-0005103-6, for the three container loads of Polish-origin honey from purchase order 995, value declared at approximately \$84,357.

(5) On or about December 7, 2006, GERKMANN emailed BECKER, with a copy to WOLFF, MARTEN, and GIESSELBACH, and stated in German “I spoke with [the President of USA Customer 3]. He will take the lot at 65 cents DDP [delivery duty paid, Texas]. . . . I told [the President of USA Customer 3] that I need the OK from J. Becker, A. Wolff, and T. Marten.”

(6) On or about December 8, 2006, GIESSELBACH emailed several executives at USA Customer 3, regarding “Bargain” and stated: “Getting back on Thomas’ bargain for 1 FCL of Polish LA Honey, we accept your offer at \$0.65/lb DDP [Texas]. Quality as discussed. [Name omitted],

pls inform when the next check will be issue [sic] so that I can instruct [name omitted] to immediately dispatch the goods.”

(7) On or about December 12, 2006, GERKMANN faxed instructions to a broker to deliver one full container load of honey adulterated with Chloramphenicol to USA Customer 3, which container was delivered on about December 14, 2006.

Purchase Orders 706 and 870

(8) In and about 2005 and 2006, WOLFF, BELTEN, LIU, MARTEN, GERKMANN, VON BUDDENBROCK, GIESSELBACH, and CHEN caused ALW USA to file CBP entry forms 3461 and 7501 for honey purchased from ALW HONG KONG and CHEN that the defendants knew based on laboratory results they received prior to importation was adulterated with antibiotics within the meaning of the FDCA, and which defendants caused ALW USA to sell, deliver, and cause others to deliver to United States customers, with each customer delivery constituting a separate overt act:

Overt Act	Vendor/ Offeror	ALW PO & Date	ALW Lab Report Date & Antibiotic	Entry Number, Entry Date & Declared Country of Origin	Contaminated Containers Delivered to U.S. Customers	Caused to be Delivered On
(a)	ALW HONG KONG	706 1, 4 & 5 06/14/2005	10/11/2005 Norfloxacin	D21 0041310 5 10/17/2005 Mongolia	CCLU 2420175 CCLU 3151677 CCLU 2454745	10/20/2005
(b)	Wuhan Shino Food Trade	870 36 02/09/2006	6/14/2006 Norfloxacin	316 0410342 9 6/27/2006 China	DVRU 1517351	07/24/2006
(c)	Wuhan Shino Food Trade	870 37 02/09/2006	6/14/2006 Norfloxacin	316 0410343 7 6/27/2006 China	GATU 0547260	07/28/2006
(d)	Wuhan Shino Food Trade	870 39 02/09/2006	06/14/06 Norfloxacin	316 0410345 2 06/27/06 China	ECMU 1887556	07/24/2006

Overt Act	Vendor/ Offeror	ALW PO & Date	ALW Lab Report Date & Antibiotic	Entry Number, Entry Date & Declared Country of Origin	Contaminated Containers Delivered to U.S. Customers	Caused to be Delivered On
(e)	Wuhan Shino Food Trade	870 40 02/09/2006	06/14/06 Ciprofloxacin	316 0410346 0 06/27/06 China	CLHU 2655626	07/24/2006
(f)	Wuhan Shino Food Trade	870 41 02/09/2006	06/14/06 Ciprofloxacin	316 0410347 8 06/27/06 China	DVRU1416192	07/24/2006
(g)	Wuhan Shino Food Trade	870 42 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316 0410348 6 06/27/06 China	GATU 0530289	07/24/2006
(h)	Wuhan Shino Food Trade	870 43 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316 0410349 4 06/27/06 China	DVRU 1287032	07/24/2006
(i)	Wuhan Shino Food Trade	870 44 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316 0410350 2 06/27/06 China	BSIU 2075367	07/24/2006
(j)	Wuhan Shino Food Trade	870 45 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316 0410351 0 06/27/06 China	DVRU 1530224	07/24/2006
(k)	Wuhan Shino Food Trade	870 47 02/09/2006	06/14/06 Norfloxacin	316 0410353 6 6/28/2006 China	EMCU 3017149	07/28/2006
(l)	Wuhan Shino Food Trade	870 48 02/09/2006	06/14/06 Norfloxacin	316 0410354 4 6/28/2006 China	GLDU 2303711	07/28/2006
(m)	Wuhan Shino Food Trade	870 49 02/09/2006	06/14/06 Norfloxacin	316 0410355 1 6/28/2006 China	EISU 3652532	07/28/2006
(n)	Wuhan Shino Food Trade	870 50 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316 0410356 9 6/28/2006 China	UGMU 8684759	07/28/2006

Purchase Orders 660, 707, 796, and 870

(9) In and about 2005 and 2006, WOLFF, BECKER, WEICKERT, BELTEN, LIU, GEHRICKE, MARTEN, GERKMANN, GIESSELBACH, VON BUDDENBROCK, CHEN, and others, caused ALW USA to sell, deliver, and cause others to deliver to United States customers honey that defendants learned based on laboratory results they received after importation contained antibiotics that rendered the honey adulterated within the meaning of the FDCA, with each customer delivery constituting a separate overt act:

Overt Act	Vendor/ Offeror	ALW PO & Date	ALW Lab Report Date & Antibiotic	Entry Number, Entry Date & Declared Country of Origin	Contaminated Containers Delivered to U.S. Customers	Caused to be Delivered On
(a)	Blue Action Enterprises	660 58 03/17/2005	10/11/2005 Ciprofloxacin, Norfloxacin	K80 0911362 3 8/11/2005 Korea	WFHU 1246404	09/06/2005
(b)	Blue Action Enterprises	660 60 03/17/2005	10/11/2005 Ciprofloxacin, Norfloxacin	K80 0911361 5 8/11/2005 Korea	WFHU 1270062	09/09/2005
(c)	Blue Action Enterprises	660 61 & 62 03/17/2005	10/11/2005 Ciprofloxacin, Norfloxacin	K80 0911360 7 8/11/2005 Korea	GESU 2830228 LTIU 3008241	09/09/2005
(d)	ALW HONG KONG	707 2 & 3 06/14/2005	10/11/2005 Antibiotic: <i>See</i> Specific Containers	D21 0040816 2 8/22/2005 Russia	ECMU 1178360 Ciprofloxacin, Norfloxacin BSIU 2016678 Norfloxacin	08/19/2005
(e)	ALW HONG KONG	707 5 06/14/2005	10/11/2005 Ciprofloxacin, Norfloxacin	D21 0041094 5 9/27/2005 Russia	CRXU 3147544	10/05/2006
(f)	ALW HONEY	796 1 10/19/2005	03/06/2006 Chloramphenicol	EN5 0001568 4 11/30/2005 Slovakia	OOLU 3482686	04/07/2006
(g)	Wuhan Shino Food Trade	870 5 02/09/2006	5/29/2006 Ciprofloxacin, Norfloxacin	M94 0045406 9 5/28/2006 China	HJCU 8497956	06/07/2006

Overt Act	Vendor/ Offeror	ALW PO & Date	ALW Lab Report Date & Antibiotic	Entry Number, Entry Date & Declared Country of Origin	Contaminated Containers Delivered to U.S. Customers	Caused to be Delivered On
(h)	Wuhan Shino Food Trade	870 6 02/09/2006	5/29/2006 Ciprofloxacin, Norfloxacin	M94 0045407 7 5/26/2006 China	HJCU 8246884	06/07/2006
(i)	Wuhan Shino Food Trade	870 10 02/09/2006	5/29/2006 Ciprofloxacin, Norfloxacin	M94 0045425 9 5/25/2006 China	TTNU 3114324	06/07/2006

Purchase Orders 698, 699, 700, and 800A

(10) In and about 2005 and 2006, WEICKERT, BELTEN, MARTEN, and GERKMANN caused ALW USA to re-sell, deliver, and cause others to deliver to United States customers honey that had been rejected by other United States customers for the presence of antibiotics that rendered the honey adulterated within the meaning of the FDCA, with each re-delivery constituting a separate overt act:

Overt Act	Vendor/ Offeror	ALW PO & Date	Entry Number, Entry Date & Declared Country of Origin	Contaminated Containers Delivered to Customers	Customer Delivery Date	Customer Tested & Rejected	Resold & Caused Delivery On
(a)	ALW HONG KONG	698 05/26/2005	D21 0041311 3 10/11/2005 Mongolia	CCLU 3136543	11/01/2005	Yes Ciprofloxacin, Norfloxacin	04/17/2006
(b)	ALW HONG KONG	698 05/26/2005	D21 0041283 4 10/7/2005 Mongolia	CCLU 2349816	10/11/2005	Yes Norfloxacin	04/17/2006
(c)	ALW HONG KONG	699 05/26/2005	D21 0041312 1 10/11/2005 Mongolia	CCLU 2427375	10/31/2005	Yes Norfloxacin	03/20/2006
(d)	ALW HONG KONG	700 05/26/2005	D21 0041086 1 9/14/2005 Mongolia	CCLU 2415543	09/22/2005	Yes Ciprofloxacin, Norfloxacin	03/20/2006
(e)	ALW HONG KONG	800A 11/15/2005	DN1 0056034 6 1/27/2006 Russia	CRXU 2646106 SCZU 7191127	01/30/2006	Yes Ciprofloxacin, Norfloxacin	03/21/2006

(11) On or about October 24, 2007, BECKER emailed BELTEN, with a copy to LIU, GIESSELBACH, VON BUDDENBROCK, and an employee working at ALW FOOD GROUP's in-house laboratory, that contained the subject line "Analysis results - LCIRMS" and stated:

Never indicate any numbers like contract number or container number, because those certificates might be traced back. You know that here in Germany is an ongoing discussion about the duty of labs to announce [sic] bad results towards authorities. Up to now not in force and strictly rejected by labs, but firm interest of authorities to get a hint of bad qualities.

(12) On or about October 24, 2007, GIESSELBACH responded to the foregoing email and stated: "Next time we will be sending in samples without internal numbers."

c. *Impeding and Obstructing QHD's New Shipper Review*

(1) On or about August 24, 2006, LIU emailed WOLFF, BELTEN, MARTEN, and GERKMANN a detailed proposal to form a "joint structure" or "club," comprised of five members, including CHEN, Chinese Transshipper 2, and ALW BEIJING, for the purpose of fraudulently obtaining a reduced individualized antidumping duty deposit rate from the DOC, thereby allowing ALW FOOD GROUP to "maintain" "permenantly" [sic] its "market share and sales actively [sic] . . . in the USA" and enabling ALW BEIJING to "collect honey from other fctys to export via the approved new company" with the lower antidumping duty deposit rate.

(2) On or about August 24, 2006, GERKMANN responded to LIU's email and stated:

Dear Liu Vice President Honey Kartell [sic]!

The Idea sounds too good to be possible or workable.

We should keep in mind that DOC is trying to kill all new shipper cases from the beginning on. . . .

I think that Sven, TM, and I have shown all Chinese Exporters during the last 4 years that we are really able to be a big number in the US and able to handle such a volume.

- (3) On or about August 24, 2006, BELTEN responded to the foregoing email and stated:

Think we should first try to schedule a meeting with these guys and in Beijing before they contact each other. . . . This would bring us an advantage even if we do not pay to be a member later on.

Whether or not we join the club later on can be decided when we know the exact conditions.

Will talk to Alex today and discuss this issue with Liu.

Generally I like the idea but we have to be very carefull [sic].

- (4) On or about October 7, 2006, CHEN emailed GERKMANN pretending to introduce himself and QHD to ALW USA and stating that it would be “a great honor to develop the honey business potential together with you in USA market in which we have been always interested,” and offering ALW USA a minimum of 5,000 honey bear jars at a cost of \$1.50 per jar.

- (5) On or about March 19, 2007, QHD submitted and caused to be submitted to the DOC its Section A Response for its New Shipper Review, Case No. A-570-863, and included a signed and dated § 351.303(g) certificate.

- (6) On or about April 11, 2007, ALW USA and QHD submitted and caused to be submitted to the DOC an Importer Questionnaire Response for New Shipper Review Case No. A-570-863, and QHD provided a signed and dated § 351.303(g) certificate. In the questionnaire, ALW USA falsely represented and caused to be represented to the DOC that the price and volume of the honey subject to QHD’s new shipper review was negotiated and settled according to normal commercial terms.

- (7) On or about June 15, 2007, QHD submitted and caused to be submitted to the DOC its Supplemental Section A, C and Importer Questionnaire Response for its New Shipper Review, Case No. A-570-863, wherein ALW USA and QHD included and caused to be included:

- a. a “CERTIFICATE OF NON-REIMBURSEMENT OF ANTIDUMPING DUTIES,” dated November 22, 2006 and signed by MARTEN;
- b. a certification pursuant to 19 C.F.R. § 351.303(g), dated June 4, 2007 and signed by MARTEN as General Manager for ALW USA;
- c. a certification pursuant to 19 C.F.R. § 351.303(g), signed by QHD; and
- d. an Exhibit consisting of emails that sought to establish additional future business dealings contemplated between ALW FOOD GROUP and QHD.

(8) On or about October 29, 2007, LIU emailed BELTEN and GIESSELBACH, with a copy to WOLFF and VON BUDDENBROCK, regarding “internal memo***”, attached a sales contract between ALW BEIJING and QHD, and stated:

Dear all,

This is a fake sales confirmation from George Gao.

He is to use this to show the DOC that he has busy [sic: business] with Wolff [ALW FOOD GROUP] also for Germany besides, USA.

I will make a stamp. And he can use this to show the US DOC officer.

(9) On or about November 22, 2007, LIU emailed BELTEN and GIESSELBACH, with a copy to MARTEN and VON BUDDENBROCK, and stated: “Further, what is our long terms strategy in the next years to the US from China???: Full support to Sanhai Honey (George Gao)’s new shipper case. I do believe that once he got good rate, he would still keep the game or sales including us.”

(10) On or about November 25, 2007, MARTEN responded to the foregoing email, with a copy to BELTEN, GIESSELBACH, and VON BUDDENBROCK, and stated: “Our involvement as a strong partner for George and [name omitted] is probably as good as it gets for us. We just have to make sure that we stay their partners in the US market. . . .”

(11) On or about December 19, 2007, GIESSELBACH emailed VON BUDDENBROCK,

with a copy to WOLFF, BELTEN, LIU, and MARTEN, containing the subject line “DOC PRELIMINARY - ZERO”, and stated that the DOC had issued QHD a 0% preliminary individualized antidumping duty deposit rate.

(12) On or about December 19, 2007, BELTEN responded to GIESSELBACH and VON BUDDENBROCK at their personal email accounts, with a copy to WOLFF, LIU, and MARTEN, and stated:

Now we really have to do some work and get prepared for the fight of the petitioners.

Just talked to CGJ this morning. The chance that DOC will come to your office is not very high but since Sanhai is the only new shipper case we should get prepared.

Therefore please:

- clean up your documentation for the fist [sic] import
- clean up your email files regarding the sale of the bears (I remember there was some back and forth with refund to [USA Customer 8] and so on, there can be no trace of this discussion)
- please make sure that the duty and the DNs [debit notes] (discussed yesterday) are not booked as duty but as quality or some other claim, and it should not be related to QHD Sanhai Honey

CGJ (Geroge) will send an email to you soon regarding another business (I believe that was discussed in Chicago already) similar the the [sic] first import. Since the preliminary rate is 0% now, they would really like to ship this container.

I keep the fingers crossed now and hope that the final rate will be zero as well!

Thanks for your good and hard work for this new shipper case.

(13) On or about March 11, 2008, BELTEN emailed GIESSELBACH at her personal email account, with a copy to LIU, regarding “PO 1159 / pictures and shipping details” and stated:
please take care that the invoicing is in line, means:

- you have to invoice higher price to [USA Customer 5] so that business makes

sense

- refund to [USA Customer 5] must be for something totally different so that DOC could not relate the business with the refund

rest on the phone tonight.

In violation of Title 18, United States Code, Sections 371 and 2.

COUNT TWO

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about September 1, 2005, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, knowingly and willfully, with intent to defraud the United States, did make out and pass, through a customhouse, false and fraudulent documents and papers, including records and CBP entry forms 3461 and 7501, bearing entry number K80-0912147-7, that falsely declared that approximately 55,680 kilograms of Chinese-origin honey from purchase order 660, with a declared value upon entry of approximately \$47,328, originated from Korea, when in fact the honey originated in China, thereby causing losses to the United States totaling approximately \$86,988 in uncollected antidumping duties.

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT THREE

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.
2. On or about October 13, 2005, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, knowingly and willfully, with intent to defraud the United States, did make out and pass, through a customhouse, false and fraudulent documents and papers, including records and CBP entry forms 3461 and 7501, bearing entry number K80-0913835-6, that falsely declared that approximately 37,120 kilograms of Chinese-origin honey from purchase order 660, with a declared value upon entry of approximately \$31,552, originated from Korea, when in fact the honey originated in China, thereby causing losses to the United States totaling approximately \$57,992 in uncollected antidumping duties.

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT FOUR

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about December 26, 2005, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, knowingly and willfully, with intent to defraud the United States, did make out and pass, through a customhouse, false and fraudulent documents and papers, including records and CBP entry forms 3461 and 7501, bearing entry number DN1-0055467-9, that falsely declared that approximately 55,680 kilograms of Chinese-origin honey from purchase orders 726 and 727, with a declared value upon entry of approximately \$50,112, originated from the Philippines, when in fact the honey originated in China, thereby causing losses to the United States totaling approximately \$92,105 in uncollected antidumping duties.

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT FIVE

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.
2. On or about March 17, 2006, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, knowingly and willfully, with intent to defraud the United States, did make out and pass, through a customhouse, false and fraudulent documents and papers, including records and CBP entry forms 3461 and 7501, bearing entry number EN5-0002363-9, that falsely declared that approximately 185,600 kilograms of Chinese-origin honey from purchase order 719, with a declared value upon entry of approximately \$163,328, originated from Indonesia, when in fact the honey originated in China, thereby causing losses to the United States totaling approximately \$300,196 in uncollected antidumping duties.

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT SIX

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about June 10, 2006, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, knowingly and willfully, with intent to defraud the United States, did make out and pass, through a customhouse, false and fraudulent documents and papers, including records and CBP entry forms 3461 and 7501, bearing entry number K80-0924651-4, that falsely declared that approximately 74,240 kilograms of Chinese-origin honey from purchase order 660, with a declared value upon entry of approximately \$92,800, originated from Taiwan, when in fact the honey originated in China, thereby causing losses to the United States totaling approximately \$170,566 in uncollected antidumping duties.

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT SEVEN

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about June 12, 2006, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, knowingly and willfully, with intent to defraud the United States, did make out and pass, through a customhouse, false and fraudulent documents and papers, including records and CBP entry forms 3461 and 7501, bearing entry number DN1-0057802-5, that falsely declared that approximately 111,360 kilograms of Chinese-origin honey from purchase order 660, with a declared value upon entry of approximately \$128,064, originated from Thailand, when in fact the honey originated in China, thereby causing losses to the United States totaling approximately \$235,381 in uncollected antidumping duties.

In violation of Title 18, United States Code, Sections 545 and 2.

COUNTS EIGHT through TWENTY

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On the dates listed below, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, knowingly and willfully, with intent to defraud the United States, did make out and pass, through a customhouse, false and fraudulent documents and papers, including records and CBP entry forms 3461 and 7501, that falsely declared that 866,628 kilograms of Chinese-origin honey from purchase orders 1049 and 1133, with a declared value upon entry of approximately \$927,894, originated from Russia, when in fact the honey originated in China, thereby causing losses to the United States totaling approximately \$2,004,135 in uncollected antidumping duties, with each entry constituting a separate count of this indictment pursuant to the following chart:

Count	Purchase Order No.	CBP Entry Date	CBP Entry No.	Honey's Net Weight	Declared Value	Uncollected Antidumping Duties
8.	1049/1-10	03/02/2007	E94-1036116-2	182,700 KG	\$193,245	\$410,433
9.	1049/11-14	03/02/2007	E94-1036115-4	73,080 KG	\$77,298	\$164,173
10.	1049/15-20	03/19/2007	E94-1036720-1	117,558 KG	\$115,947	\$246,259
11.	1049/21-26	03/17/2007	E94-1036819-1	109,620 KG	\$115,947	\$246,259
12.	1049/27-28	03/24/2007	E94-1037253-2	36,540 KG	\$38,649	\$82,086
13.	1049/41-43	07/19/2007	E94-1043485-2	54,810 KG	\$57,974	\$128,134
14.	1049/47-49	07/26/2007	E94-1043711-1	54,810 KG	\$57,974	\$128,134
15.	1049/50-52	07/26/2007	E94-1043710-3	54,810 KG	\$57,974	\$128,134
16.	1049/53-55	07/26/2007	E94-1043712-9	54,810 KG	\$57,974	\$128,134
17.	1049/56-57	08/25/2007	E94-1045002-3	36,540 KG	\$38,649	\$85,422
18.	1133/1-2	09/12/2007	E94-1045785-3	36,540 KG	\$46,505	\$102,785
19.	1133/3-4	09/12/2007	E94-1045659-0	36,540 KG	\$46,505	\$102,785
20.	1133/5	09/12/2007	E94-1045658-2	18,270 KG	\$23,253	\$51,393

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT TWENTY-ONE

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.
2. On or about October 26, 2005, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
TOM WEICKERT,
YI LIU,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA

defendants herein, and others known and unknown to the Grand Jury, with intent to defraud and mislead, did introduce and deliver for introduction, and cause to be introduced and delivered for introduction, into interstate commerce, articles of food intended for human consumption, that is, honey from purchase order 718 that was adulterated within the meaning of Title 21, United States Code, Section 342(a)(2)(C)(i), in that the honey contained an unsafe food additive, that is, an antibiotic not approved in food products.

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 348(a), and Title 18 United States Code, Section 2.

COUNT TWENTY-TWO

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.
2. On or about March 15, 2006, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
MARCEL BELTEN,
YI LIU,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, with intent to defraud and mislead, did introduce and deliver for introduction, and cause to be introduced and delivered for introduction, into interstate commerce, articles of food intended for human consumption, that is, honey from purchase order 726 that was adulterated within the meaning of Title 21, United States Code, Section 342(a)(2)(C)(i), in that the honey contained unsafe food additives, that is, Norfloxacin and Ciprofloxacin, antibiotics not approved in food products.

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 348(a), and Title 18 United States Code, Section 2.

COUNTS TWENTY-THREE through THIRTY-EIGHT

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.
2. On the dates listed below, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
MARCEL BELTEN,
YI LIU,
THOMAS MARTEN,
THOMAS GERKMANN,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, with intent to defraud and mislead, did introduce and deliver for introduction, and cause to be introduced and delivered for introduction, into interstate commerce, articles of food intended for human consumption, that is, honey from purchase order 870 that was adulterated within the meaning of Title 21, United States Code, Section 342(a)(2)(C)(i), in that the honey contained unsafe food additives, that is, Norfloxacin and Ciprofloxacin, antibiotics not approved in food products, with each delivery into commerce constituting a separate count of this indictment pursuant to the following chart:

Count	Vendor/ Offeror	ALW PO & Date	ALW Lab Report Date & Antibiotic	Entry Number, Entry Date & Declared Country of Origin	Contaminated Containers Delivered to U.S. Customers	Caused to be Delivered On
23.	Wuhan Shino Food Trade	870 - 5 02/09/2006	5/29/2006 Ciprofloxacin, Norfloxacin	M94-0045406-9 5/28/2006 China	HJCU8497956	06/07/2006
24.	Wuhan Shino Food Trade	870 - 6 02/09/2006	5/29/2006 Ciprofloxacin, Norfloxacin	M94-0045407-7 5/26/2006 China	HJCU8246884	06/07/2006
25.	Wuhan Shino Food Trade	870 - 10 02/09/2006	5/29/2006 Ciprofloxacin, Norfloxacin	M94-0045425-9 5/25/2006 China	TTNU3114324	06/07/2006
26.	Wuhan Shino Food Trade	870 - 36 02/09/2006	6/14/2006 Norfloxacin	316-0410342-9 6/27/2006 China	DVRU1517351	07/24/2006
27.	Wuhan Shino Food Trade	870 - 37 02/09/2006	6/14/2006 Norfloxacin	316-0410343-7 6/27/2006 China	GATU0547260	07/28/2006
28.	Wuhan Shino Food Trade	870 - 39 02/09/2006	06/14/06 Norfloxacin	316-0410345-2 06/27/06 China	ECMU1887556	07/24/2006
29.	Wuhan Shino Food Trade	870 - 40 02/09/2006	06/14/06 Ciprofloxacin	316-0410346-0 06/27/06 China	CLHU2655626	07/24/2006
30.	Wuhan Shino Food Trade	870 - 41 02/09/2006	06/14/06 Ciprofloxacin	316-0410347-8 06/27/06 China	DVRU1416192	07/24/2006
31.	Wuhan Shino Food Trade	870 - 42 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316-0410348-6 06/27/06 China	GATU0530289	07/24/2006
32.	Wuhan Shino Food Trade	870 - 43 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316-0410349-4 06/27/06 China	DVRU1287032	07/24/2006

Count	Vendor/ Offeror	ALW PO & Date	ALW Lab Report Date & Antibiotic	Entry Number, Entry Date & Declared Country of Origin	Contaminated Containers Delivered to U.S. Customers	Caused to be Delivered On
33.	Wuhan Shino Food Trade	870 - 44 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316-0410350-2 06/27/06 China	BSIU2075367	07/24/2006
34.	Wuhan Shino Food Trade	870 - 45 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316-0410351-0 06/27/06 China	DVRU1530224	07/24/2006
35.	Wuhan Shino Food Trade	870 - 47 02/09/2006	06/14/06 Norfloxacin	316-0410353-6 6/28/2006 China	EMCU3017149	07/28/2006
36.	Wuhan Shino Food Trade	870 - 48 02/09/2006	06/14/06 Norfloxacin	316-0410354-4 6/28/2006 China	GLDU2303711	07/28/2006
37.	Wuhan Shino Food Trade	870 - 49 02/09/2006	06/14/06 Norfloxacin	316-0410355-1 6/28/2006 China	EISU3652532	07/28/2006
38.	Wuhan Shino Food Trade	870 - 50 02/09/2006	06/14/06 Ciprofloxacin, Norfloxacin	316-0410356-9 6/28/2006 China	UGMU8684759	07/28/2006

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 348(a), and Title 18
United States Code, Section 2.

COUNT THIRTY-NINE

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. Between on or about December 12, 2006 and December 14, 2006, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
THOMAS MARTEN,
THOMAS GERKMANN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH, and
ALFRED L. WOLFF, INC.,

defendants herein, and others known and unknown to the Grand Jury, with intent to defraud and mislead, did introduce and deliver for introduction, and cause to be introduced and delivered for introduction, into interstate commerce, articles of food intended for human consumption, that is, honey from purchase order 995 that was adulterated within the meaning of Title 21, United States Code, Section 342(a)(2)(C)(i), in that the honey contained an unsafe food additive, that is, Chloramphenicol, an antibiotic not approved in food products.

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 348(a), and Title 18 United States Code, Section 2.

COUNT FORTY

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.
2. On or about March 26, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
MARCEL BELTEN,
YI LIU,
THOMAS MARTEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA, and
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA,

defendants herein, and others known and unknown to the Grand Jury, with intent to defraud and mislead, did introduce and deliver for introduction, and cause to be introduced and delivered for introduction, into interstate commerce, articles of food intended for human consumption, that is, honey from purchase order 1052 that was adulterated within the meaning of Title 21, United States Code, Section 342(a)(2)(C)(i), in that the honey contained an unsafe food additive, that is, Norfloxacin, an antibiotic not approved in food products.

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 348(a), and Title 18 United States Code, Section 2.

COUNT FORTY-ONE

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about November 22, 2006, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA,
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA, and
QHD SANHAI HONEY CO., LTD.,

defendants herein, and others known and unknown to the Grand Jury, with the intent to impede, obstruct, and influence the Department of Commerce's investigation and proper administration of QHD's new shipper review, and in relation or contemplation thereof, did knowingly falsify and make a false entry in a record and document, namely ALW USA's Certificate of Non-Reimbursement of Antidumping Duties, which referenced Antidumping Duty Case Number A-570-863, and which was submitted to the Department of Commerce by or on behalf of QHD on or about June 15, 2007, as part of QHD's supplemental importer questionnaire responses.

In violation of Title 18, United States Code, Sections 1519 and 2.

COUNT FORTY-TWO

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about June 4, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA,
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA, and
QHD SANHAI HONEY CO., LTD.,

defendants herein, and others known and unknown to the Grand Jury, with the intent to impede, obstruct, and influence the Department of Commerce's investigation and proper administration of QHD's new shipper review, and in relation or contemplation thereof, did knowingly falsify and make a false entry in a record or document, namely ALW USA's Certification pursuant to 19 C.F.R. § 351.303(g), which was submitted to the Department of Commerce by or on behalf of QHD on or about June 15, 2007, as part of QHD's supplemental importer questionnaire responses.

In violation of Title 18, United States Code, Sections 1519 and 2.

COUNT FORTY-THREE

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about October 22, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA,
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA, and
QHD SANHAI HONEY CO., LTD.,

defendants herein, and others known and unknown to the Grand Jury, with the intent to impede, obstruct, and influence the Department of Commerce's investigation and proper administration of QHD's new shipper review, and in relation or contemplation thereof, did knowingly falsify and make a false entry in a record and document, namely a sales contract between ALW BEIJING and QHD.

In violation of Title 18, United States Code, Sections 1519 and 2.

COUNT FORTY-FOUR

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations of paragraphs 1 through 40, and 42 through 64, of Count One are incorporated as though fully set forth herein.

2. On or about December 19, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ALEXANDER WOLFF,
JÜRGEN BECKER,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA,
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA, and
QHD SANHAI HONEY CO., LTD.,

defendants herein, and others known and unknown to the Grand Jury, with the intent to impede, obstruct, and influence the Department of Commerce's investigation and proper administration of QHD's new shipper review, and in relation or contemplation thereof, did destroy, mutilate, cover up, and falsify records and documents, namely documents and records associated with purchase order 1010, including emails and debit notes.

In violation of Title 18, United States Code, Sections 1519 and 2.

FORFEITURE ALLEGATION ONE

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations contained in Counts One through Twenty of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States, pursuant to Title 18, United States Code, Section 545 and Title 28, United States Code, Section 2461(c).

2. As a result of their violations of Title 18, United States Code, Sections 371 and 545, as alleged in Counts One through Twenty of this Indictment,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
STEFANIE GIESSELBACH,
MAGNUS VON BUDDENBROCK,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA,
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA, and
QHD SANHAI HONEY CO., LTD.,

defendants herein, shall forfeit to the United States pursuant to Title 18, United States Code, Section 545 and Title 28, United States Code, Section 2461(c), all property and merchandise, including honey, introduced into the United States in violation of Title 18, United States Code, Section 545, or the value thereof.

3. The interests of the defendants subject to forfeiture include but are not limited to:

a. a sum of money representing the value of all merchandise introduced into the United States in violation of Title 18, United States Code, Section 545 between approximately 2002 and February 2008, that is approximately \$39,598,775.

b. the following shipments of honey seized by the United States between April 4, 2008 and December 12, 2008:

1. 126 drums of honey seized on April 4, 2008 in Minneapolis, Minnesota;
2. 449 drums of honey seized on May 30, 2008 in Glenview, Illinois;
3. 551 drums of honey seized on June 24, 2008 in Glenview, Illinois;
4. 256 drums of honey seized on July 22, 2008 in Tacoma, Washington;
5. 189 drums of honey seized on September 18, 2008 in Bensenville, Illinois;
6. 124 drums seized of honey on September 23, 2008 in Minneapolis, Minnesota;
7. 126 drums seized of honey on November 12, 2008 in Eagan, Minnesota;
8. 174 drums seized of honey on December 12, 2008 in Itasca, Illinois; and
9. 446 drums seized of honey on December 12, 2008 in Itasca, Illinois.

All pursuant to Title 18, United States Code, Section 545 and Title 28, United States Code, Section 2461(c).

FORFEITURE ALLEGATION TWO

The SPECIAL AUGUST 2009-1 GRAND JURY further charges that:

1. The allegations contained in Counts One through Twenty of this Indictment are realleged and by this reference fully incorporated herein for the purpose of alleging forfeiture to the United States, pursuant to Title 18, United States Code, Sections 545 and 982(a)(2).

2. As a result of their violations of Title 18, United States Code, Sections 371 and 545, as alleged in Counts One through Twenty of this Indictment,

ALEXANDER WOLFF,
JÜRGEN BECKER,
TOM WEICKERT,
MARCEL BELTEN,
YI LIU,
SVEN GEHRICKE,
THOMAS MARTEN,
THOMAS GERKMANN,
STEFANIE GIESSELBACH,
MAGNUS VON BUDDENBROCK,
GONG JIE CHEN,
ALFRED L. WOLFF GMBH,
ALFRED L. WOLFF HONEY GMBH,
ALFRED L. WOLFF, INC.,
ALFRED L. WOLFF (BEIJING) TRADE CO. LTD., CHINA,
ALFRED L. WOLFF COMPANY LTD., HONG KONG, CHINA, and
QHD SANHAI HONEY CO., LTD.,

defendants herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any and all right, title, and interest in property, real and personal, that constitutes and is derived, directly and indirectly, as a result of such violations.

3. The interests of the defendants jointly and severally subject to forfeiture include but are not limited to a sum of money representing the proceeds obtained as a result of the offenses charged in Counts One through Twenty of this Indictment, that is at least \$78,176,783.

4. If any of the funds described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1);

All pursuant to Title 18, United States Code, Section 982(a)(2)(B).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY